

being unpatentable over the combination of the reference of Ingram and the reference of Behensky.

In response to the Office Action dated May 19, 2004, the Applicant filed a Notice of Appeal on August 19, 2004. The Applicant's Attorney, Thomas N. Phung (Reg. No. 53,466), then place a telephone call to Examiner Rowan on September 9, 2004 to discuss the above rejections and to further present the Applicant's position in order to try and conclude the case without having to go forward with the Appeal. The Applicant's Attorney thanks Examiner Rowan for generously taking the time to allow the Applicant's Attorney (Thomas N. Phung) to present the Applicant's case during the teleconference on the allowability of the claims of the above-identified application.

During the teleconference, the Applicant's Attorney respectfully directed the Office's attention to certain elements of Applicant's independent claim 18 that were not found in the cited prior art. After the Applicant's Attorney presented the Applicant's case to the Office, the Office instructed the Applicant's Attorney to file a Request for Reconsideration laying out the points that were presented in the teleconference (of September 9, 2004), which are presented below.

Rejection under 35 U.S.C. 102(b) to Kotis

Applicant's independent claim 18 stands rejected under 35 U.S.C. 102(b) as being anticipated by the reference of Kotis. It is submitted that the reference of Kotis does not anticipate Applicant's independent claim 18 for the following reasons.

A. Kotis does not teach a member resiliently displaceable with respect to said bobber main body

The Applicant's claim 18 calls for:

"... a member resiliently displaceable with respect to said bobber main body in response to a force on said member with the force on said member sufficient to overcome at least some if not all of the buoyant force of the bobber main body"
(Emphasis added.)

It is submitted that the reference of Kotis does not teach the above. In regards to Kotis' coil 10, note that Kotis' coil 10 is a float stop that is "frictionally affixed to the fishline" and remains at a fix location on the fishing line once the coil is affixed thereon to allow a fishline to self adjust to a desired length with respect to the float when the fishline is thrown in the water with the float 14 thereon. (Column 1, lines 59-61 and column 2, lines 13-15.) Further note that Kotis specifically discloses in column 1, lines 39-44 that his coil 10 does not have "spring-like resiliency as in tension and compression springs."

In view of the aforementioned, it is submitted that Kotis' coil 10 is not resiliently displaceable with respect to his float in response to a force directed on the coil 10 via the fishline as Kotis' bead 15 prevents the downward movement of Kotis' coil 10 with respect to Kotis' float once the Kotis' float is in the stopped condition, the stop conditioned defined by the urging of the bead 15 to a portion of the coil 10 by the float 14.

B. Kotis does not teach simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body

The Applicant's claim 18 calls for:

"a member resiliently displaceable with respect to said bobber main body in response to a force on said member with the force on said member sufficient to overcome at least some if not all of the buoyant force of the bobber main body to thereby allow the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body so as to provide gradual resistance."
(Emphasis added.)

It is submitted that the reference of Kotis does not teach the above. Note that Kotis' coil 10 and his float are located at different regions on the fishline thereby preventing their simultaneous submersion. More specifically, referring to Kotis' Figure 1 and 3, note that in use in a body of water, Kotis' coil 10 is fixedly located above his float 14. As such, a downward force directed on the fishline 11 will result in the submersion of Kotis' float 14 before the submersion of his coil 10.

C. The reference of Kotis does not teach his device as providing for gradual resistance.

Applicant's claim 18 calls for:

"... the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body so as to provide gradual resistance."
(Emphasis added.)

The above is accomplished by providing for "a member resiliently displaceable with respect to said bobber main body," wherein the member is first partially displaced by an initial downward force directed on the fishline after which the bobber main body and the member

are simultaneous submerge in a body of water in response to a further downward force direct on the fishline. That is, the displacement of the member allows the Applicant's fishing bobber to "mask" the greater force required to submerge the Applicant's bobber main body thereby preventing an abrupt jerk on the fishline caused by the submersion of the bobber main body alone.

Unlike the Applicant's invention, Kotis' device does not provide for a gradual resistance since in the operation of Kotis' device, Kotis' float 14 is submerged before the submersion of his coil 10. The submerging of Kotis' float 14 thus will result in an abrupt jerk on the fishline due to the sharp resistance of the Kotis' float 14 as his float 14 is being submerged.

It is for the above reasons that applicant submits that the reference of Kotis does not anticipate Applicant's independent claim 18.

Rejection under 35 U.S.C. 102(b) to Ingram

Applicant's independent claim 18 stands rejected under 35 U.S.C. 102(b) as being anticipated by the reference of Ingram. It is submitted that the reference of Ingram does not anticipate Applicant's independent claim 18 for the following reasons.

A. Ingram does not teach simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body

Applicant's claim 18 calls for:

“... a member resiliently displaceable with respect to said bobber main body in response to a force on said member with the force on said member sufficient to overcome at least some if not all of the buoyant force of the bobber main body to thereby allow the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body so as to provide gradual resistance.” (Emphasis added.)

The Applicant submits that the reference of Ingram does not teach above. Instead, it is submitted that the reference of Ingram teaches the opposite through Ingram’s disclosure in column 2, lines 20-26:

“... as a fish strikes the lower end of the line, the attached stem will move downwardly through the bore of the body until the top of the stem is flushed with the top surface of the body; the body then is subject to the downward pull on the line and will disappear from sight below the surface of the water.” (Emphasis added.)

Since Ingram’s stem is pulled downward to a flushed condition before the body of Ingram’s fishing float is subject to the downward pull, it is thus submitted that the reference of Ingram does not teach “the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body” as called for in Applicant’s independent claim 18.

B. The reference of Ingram does not teach his device as providing for gradual resistance

Applicant’s claim 18 calls for:

“... the simultaneous submersion of the bobber main body and the displacement of the member with respect to the bobber main body so as to provide gradual resistance.” (Emphasis added.)

The Applicant submits that Ingram's fishing float does not provide for a gradual resistance. As previously noted, Ingram's stem is pulled downward to a flushed condition before the body of Ingram's fishing float is subject to the downward Force. Referring to Figures 1 and 3, note that Ingram's stem member 12 is shown to include a lower tapered portion 16, which allows stem member 12 to be displaced in the water with less resistance than if the lower portion of the stem member 12 was not tapered. Further note that Ingram's body 10, as shown in Ingram's Figures 1 and 3, includes a flat and circular-shaped base. The Applicant submits that the flat and circular-shaped base of Ingram's float body 10 will require greater force to downwardly displace the float body 10 in the water than if the base of the body 10 was not flat, i.e. tapered.

Since Ingram's stem member 12 submerges before Ingram's fishing float body 10 and since the lower tapered portion 16 of Ingram's stem member 12 allows the stem member 12 to be displaced in a body of water with less resistance while the flat and circular-shaped base of Ingram's body 10, on the other hand, will result in greater resistance to the downwardly displace of the float body 10 in the body of water, the Applicant submits that there will be an abrupt or sharp change in the force of resistance when Ingram's float body begins to submerge.

Since there will be an abrupt change in the force of resistance when Ingram's float body begins to submerge the Applicant submits that Ingram's fishing float does not provide for a "gradual resistance."

Due to the abrupt or sharp change in the force of resistance at the point in which Ingram's stem is submerged/flushed and Ingram's float body begins to submerge, it is thus submitted that Ingram's fishing float does not provide for a "gradual resistance" as called for in Applicant's independent claim 18.

It is for the above reasons that applicant submits that the reference of Ingram does not anticipate Applicant's independent claim 18.

In regards to Applicant's claims 19 and 20, claims 19 and 20 each depend on independent claim 18. Since independent claim 18 is allowable for the reasons given above, Applicant submits that dependent claims 19 and 20 are also allowable.

In view of the above, it is submitted that the application is in condition for allowance. Allowance of claims 18-20 is respectfully requested. Applicant has enclosed a marked-up version of the amendment showing changes made with this response. Please note that a copy of the present Request for Consideration will be submitted to the Office via U.S. Mail.

Due to the time constraint of the Applicant possible having to prepare and file an Appeal Brief in the event that the Office maintains the Office's rejection of the above claims in view of the present Request for Reconsideration, the Applicant respectfully request that the Office notify the Applicant via fax or email (jjpatentcarl@yahoo.com) of the Office's decision with regards to the present Request for Reconsideration as soon as possible.